

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

**USDC-SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC#:
DATE FILED: 06/07/2022**

VINCENT MORAN,

Plaintiff,

v.

THE NEW YORK CITY HEALTH AND
HOSPITALS CORPORATION; JACOBI
MEDICAL CENTER; and CROTHALL
HEALTHCARE, INC.,

Defendants.

20-CV-8225 (RA)

ORDER

RONNIE ABRAMS, United States District Judge:

Plaintiff Vincent Moran filed this action on October 2, 2020. On December 27, 2021, counsel for Defendant New York City Health and Hospitals Corporation informed the Court that Mr. Moran had passed away. The Court ordered Plaintiff's counsel to file a letter on or before January 31, 2022 about the future of this matter. Dkt. 35. After receiving no such update, the Court once again ordered Plaintiff's counsel to file an update by February 24, 2022. Dkt. 36.

On February 23, 2022, counsel for Plaintiff advised the Court that he was in the process of attempting to designate Mr. Moran's daughter as the administrator of his estate. The Court ordered the parties to file a joint letter by March 24, 2022 as to the future of the case. Counsel for Defendants filed a letter explaining that they were unable to contact Mr. Napoli and had not received any information about the status of the estate proceedings or the future of this case. Dkt. 39.

On March 25, 2022, the Court once again instructed Plaintiff's counsel to file a letter with the court updating it, and informed him that if he failed to do so by April 15, 2022, the Court may dismiss this action for failure to prosecute pursuant to Federal Rule of Civil

Procedure 41(b). Having received no response, the Court issued another order on May 2, 2022 advising Plaintiff's counsel that failure to submit a letter on the status of the case by May 23, 2022 would result in dismissal of this action pursuant to Rule 41(b). As of today's date, Plaintiff's counsel has not responded to the Court's May 2nd Order, nor has he otherwise indicated that he intends to pursue this action.

Rule 41(b) of the Federal Rules of Civil Procedure provides that a district court may dismiss an action if "the plaintiff fails to prosecute or otherwise comply with [the] rules or a court order." Fed. R. Civ. P. 41(b); *see also Baptiste v. Sommers*, 768 F.3d 212, 216 (2d Cir. 2014). Under Rule 41(b), a district court may dismiss an action *sua sponte* for failure to prosecute after notifying the plaintiff. *LeSane v. Hall's Sec. Analyst, Inc.*, 239 F.3d 206, 209 (2d Cir. 2001). Because the Court has not received any response on Plaintiff's behalf, the instant action is dismissed without prejudice pursuant to Federal Rule of Civil Procedure 41(b). The Clerk of Court is respectfully directed to close the case.

SO ORDERED.

Dated: June 7, 2022
New York, New York

A handwritten signature in blue ink, appearing to read 'Ronnie Abrams', with a long horizontal flourish extending to the right.

Ronnie Abrams
United States District Judge